

REMARKS

Claims 30-36, 38-50, and 52-58 are pending and under current examination.

Applicant traverses the following rejections in the Final Office Action:

(a) rejection of claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2002/0016169 ("*Sykes*") in view of U.S. Patent App. Pub. No. 2004/0185875 ("*Diacakis*"); and further in view of U.S. Patent App. Pub. No. 2003/0220117 ("*Duffett-Smith*"); and

(b) rejection of claims 32 and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes* in view of *Diacakis* and *Duffett-Smith*, and further in view of U.S. Patent No. 6,002,936 ("*Roel-Ng*").

Rejection of Claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a):

Applicant requests reconsideration and withdrawal of the rejection of claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes* in view of *Diacakis*, and further in view of *Duffett-Smith*.

The Final Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In particular, the Final Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Final Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. *See* M.P.E.P. § 2141(II)(B).

Specifically, *Sykes*, *Diacakis*, and *Duffett-Smith*, taken either alone or in combination, do not disclose or suggest at least Applicant's claimed "transforming said geographic data in a respective set of values of network related entities, said respective set of values being expected to

be associated with a mobile terminal of said mobile network when located in the corresponding target area and weighted by margins of measurement accuracy,” as recited in claim 30 (and similarly in claim 45) (emphasis added).

The Final Office Action acknowledged that “Diacakis as modified by Sykes does not specifically teach geographic data weighted by margins of measurement accuracy.” Final Office Action, page 4. However, the Final Office Action alleged that *Duffett-Smith* teaches this feature. *See* Final Office Action, page 5. This is incorrect.

Duffett-Smith does not cure the deficiencies of *Sykes* and *Diacakis*. For example, *Duffett-Smith* discloses a method for calculating the position of mobile terminals by estimating bearings from one or more receivers/transmission sources “having a known directional transmission pattern.” *Duffett-Smith*, Abstract. Weights calculated from the bearings are the assigned to the measurements by the receiver(s). *See id.* Although *Duffett-Smith* discloses calculating weights, such weighting method, however, cannot constitute Applicant’s claimed “weighted by margins of measurement accuracy,” as recited in claim 30 (and similarly in claim 45). In contrast, *Duffett-Smith*’s weights are calculated from “the relative probability of reception via a direct path.” *Duffett-Smith*, para. [0012]. *See also* claim 6. For example, Fig. 3 of *Duffett-Smith* discloses timing measurements made by a mobile station (MS). *See Duffett-Smith*, para. [0033]. The timing measurements made by Base Transceiver Stations (BTSs) 301, 302, and 304 are allocated higher weights than BTS 303 because they are transmitting towards the MS. *See id.* *See also* Table 1. Therefore, in *Duffett-Smith*, the measurements are weighted by the probability of reception via a direct path (i.e., calculated from the direction of BTSs relative to the MS), not “by margins of measurement accuracy,” as recited in claim 30 (and similarly in claim 45).

Thus, the Final Office Action has not properly ascertained the differences between the prior art and the claimed invention. Independent claims 30 and 45 are not obvious over *Sykes*, *Diacakis*, and *Duffett-Smith*, whether taken alone or in combination, and should therefore be allowable. Dependent claims 31, 33-36, 38-44, 46, 48-50, and 52-58 should also be allowable at least by virtue of their respective dependence from base claim 30 or 45, and because they recite additional features not taught or suggested by the applied references. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejection of Claims 32 and 47 under 35 U.S.C. § 103(a):

Applicant requests reconsideration and withdrawal of the rejection of claims 32 and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes*, *Diacakis*, and *Duffett-Smith*, and further in view of *Roel-Ng*.

As discussed above, Applicant has established that *Sykes*, *Diacakis*, and *Duffett-Smith*, whether taken alone or in combination, do not teach or suggest Applicant's claimed "transforming said geographic data in a respective set of values of network related entities, said respective set of values being expected to be associated with a mobile terminal of said mobile network when located in the corresponding target area and weighted by margins of measurement accuracy," as recited in amended claim 30 (and similarly in claim 45) (emphasis added).

Roel-Ng does not cure the deficiencies of *Sykes*, *Diacakis*, and *Duffett-Smith*. For example, *Roel-Ng* discloses a system for "allowing a cellular network to determine the optimum positioning method, having knowledge of all available network-based and terminal-based positioning methods." *Roel-Ng*, Abstract. The "available" positioning methods disclosed in *Roel-Ng* include a Timing Advance (TA) value-based method (*see Roel-Ng*, col. 2, line 8 to col. 3, line 14) and a GPS-based method (*see Roel-Ng*, col. 3, lines 15-25). However, *Roel-Ng* does

not teach or suggest that these methods utilize “values ...weighted by margins of measurement accuracy,” as recited in amended claim 30 (and similarly in claim 45) (emphasis added).

Thus, the Final Office Action has not properly ascertained the differences between the prior art and the claimed invention. Independent claims 30 and 45 are not obvious over *Sykes*, *Diacakis*, *Duffett-Smith* and *Roel-Ng*, whether taken alone or in combination. Therefore, dependent claims 32 and 47 should be allowable at least by virtue of their respective dependence from base claim 30 or 45, and because they recite additional features not taught or suggested by the applied references. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

In view of the foregoing, Applicant requests reconsideration of the application and withdrawal of the rejections. Pending claims 30-36, 38-50, and 52-58 are in condition for allowance, and Applicant requests a favorable action.

The Final Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterizations in the Final Office Action.

If there are any remaining issues or misunderstandings, Applicant requests that the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By:  _____

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